

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

MICHAEL TRETHEWEY,

Plaintiff,

No. 08-CV-12156-DT

vs.

Hon. Gerald E. Rosen

SHAWN STIMAC, et al.,

Defendants.

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**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND  
RECOMMENDATION AND DENYING DEFENDANTS' MOTIONS  
TO DISMISS AND FOR SUMMARY JUDGMENT**

At a session of said Court, held in  
the U.S. Courthouse, Detroit, Michigan  
on September 9, 2010

PRESENT: Honorable Gerald E. Rosen  
United States District Chief Judge

This prisoner civil rights matter having come before the Court on the August 9, 2010 Report and Recommendation of United States Magistrate Judge Paul J. Komives recommending that the Court deny Defendant Jeffrey Binns's and Shawn Stimac's motions for summary judgment, and also deny Defendants Joseph Jones and Thomas Vaughn's motion to dismiss; and Defendants having timely filed objections to the Report and Recommendation and Plaintiff having responded to those objections; and the Court having reviewed the Magistrate Judge's Report and Recommendation, and the Court's file of this action and having concluded that, for the reasons stated in the Report and Recommendation,

Defendants' summary judgment motions and motion to dismiss should be denied; and the Court being otherwise fully advised in the premises,

NOW, THEREFORE, IT IS HEREBY ORDERED that the Magistrate Judge's Report and Recommendation of August 9, 2010 [**Dkt. # 72**] be, and hereby is, adopted by this Court.

IT IS FURTHER ORDERED that, for the reasons set forth in the Magistrate Judge's Report and Recommendation, Defendant Binns's Motion for Summary Judgment [**Dkt. # 59**], Defendant Stimac's Motion for Summary Judgment [**Dkt. # 67**], and Defendants Jones and Vaughn's Motion to Dismiss [**Dkt. # 66**] be, and hereby are, DENIED.

s/Gerald E. Rosen  
Chief Judge, United States District Court

Dated: September 9, 2010

I hereby certify that a copy of the foregoing document was served upon counsel of record on September 9, 2010, by electronic and/or ordinary mail.

s/Ruth A. Gunther  
Case Manager